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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/524,060	03/13/2000	Zvi Or-Bach	Or-Bach2	6517

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Kenneth E Leeds
PO Box 2819
Sunnyvale, CA 94087-0819

EXAMINER

RUDY, ANDREW J

ART UNIT PAPER NUMBER

3627

DATE MAILED: 01/09/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

8K

Office Action Summary

Application No.

09/524,060

Applicant(s)

OR-BACH ET AL.

Examiner

Andrew Joseph Rudy

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-18 are pending.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1, line 2, the term "RFID" is not clear. Other acronyms may be substituted therefore and confusion may be the end product.

Claim 8, line 3, the term "RFID" is not clear.

Claim 10, line 3, the term "RFID" is not clear.

Claim 11, line 3, the term "RFID" is not clear.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Forster et al., US 6,469,627.

Forster discloses a radio frequency identification (RFID) transponder 20 having a scanner 120 to detect signals (col. 4, lines 35-39, e.g. electromagnetic, magnetic, or electric), a memory 108 for storing and retrieving message information about materials stored within a reusable container 30. To collect and identify which customers have returned their containers by electronically querying the RFID's attached to the reusable container for Forster would have been obvious to one of ordinary skill in the art. It is further noted that providing common knowledge retail credit/billing information to customers via the transponder would have been obvious to one of ordinary skill in the art. Doing such would use common knowledge retail information regarding customer use of products, e.g. beer distributors are keen on inventory purchase/use by their customers, in order to keep tabs on product use. It is noted that Forster expressly envisions alternative uses/implementations of transponder 20, e.g. col. 4, line 59+ thru col. 5, line 4, col. 6, lines 32-45. It is further noted that providing common knowledge retail credit/billing information to customers via the transponder would have been obvious to one of ordinary skill in the art.

6. Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Radican, US 6,148,291.

Radican discloses a container monitor and control system (CMCS) 10 including RFID tag and reader technology (col. 5, lines 24-55). Bill of lading and other database information, e.g. report 100, for the customers is provided for the containers having goods placed therein and removed therefrom, e.g. col.8, lines 35+). Though not clearly disclosed, to have provided a scanner for reading bar code or magnetic strip indicia enabling a relationship between the RFID and database memory for Radican would have been obvious to one of ordinary skill in the art. Doing such would use well known memory database art used in a commercial setting.

7. Further pertinent references of interest:

Guthrie et al., US 2002/0087436 A1, discloses a random interval inventory system.

Umiker et al., US 6,483,434, discloses a container tracking system.

Carrender et al., US 5,850,187, discloses an electronic tag reader.

Afzali-Ardakani et al., US 5,767,789, discloses an electronic tag reader.

Radican, US 5,712,789, discloses a container monitoring system.

Moore, Bert discloses in "Radio frequency identification: Where's the revolution?" an RFID system.

Schwind, Matthew discloses in "Movement control operation in Bosnia" an RFID system.

Business Wire discloses in "Flying Null Introduces Breakthrough Technology to Fight Counterfeiting, Track Products" discloses an RFID system.

Moore, Bert discloses in "New technologies make their mark on business" an RFID system.

8. Applicant's Information Disclosure Statement (IDS) filed March 13, 2000 has not been considered as none of the references are properly identified. See attached PTO-1449.

9. Applicant's Information Disclosure Statement (IDS) filed January 2, 2001 has been reviewed regarding Belcher et al., US 5,920,287, but not been considered regarding "PaxZone.com" as the reference is properly identified. See attached PTO-1449.

Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Joseph Rudy whose telephone number is 703-308-7808. The examiner can normally be reached on Tuesday thru Friday, 7:30 a.m until 6 p.m..

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Robert Olszewski can be reached on (703) 308-5183. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

January 7, 2003

Andrew Joseph Puly